

CENTER FOR DISABILITY ACCESS  
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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**Chris Langer,**  
Plaintiff,

v.

**Babic G. Babikian;**  
**Anahid Babikian;**  
**Trirerk Aksornkit;** and Does 1-10,  
Defendants.

**Case No.**

**Complaint For Damages And  
Injunctive Relief For Violations  
Of: American's With Disabilities  
Act; Unruh Civil Rights Act**

Plaintiff Chris Langer complains of Babic G. Babikian; Anahid Babikian;  
Trirerk Aksornkit; and Does 1-10 ("Defendants"), and alleges as follows:

**PARTIES:**

1. Plaintiff is a California resident with physical disabilities. He is a paraplegic who cannot walk and who uses a wheelchair for mobility. He has a specially equipped van with a ramp that deploys out of the passenger side of his van and he has a Disabled Person Parking Placard issued to him by the State of California.

1       2. Defendants Babic G. Babikian and Anahid Babikian owned the real  
2 property located at or about 1711 N. Normandie Avenue, Los Angeles,  
3 California, in December 2018.

4       3. Defendants Babic G. Babikian and Anahid Babikian own the real  
5 property located at or about 1711 N. Normandie Avenue, Los Angeles,  
6 California, currently.

7       4. Defendant Trirerk Aksornkit owned the Fukurou Ramen restaurant  
8 located at or about 1711 N. Normandie Avenue, Los Angeles, California, in  
9 December 2018.

10       5. Defendant Trirerk Aksornkit owns the Fukurou Ramen restaurant  
11 (“Restaurant”) located at or about 1711 N. Normandie Avenue, Los Angeles,  
12 California, currently.

13       6. Plaintiff does not know the true names of Defendants, their business  
14 capacities, their ownership connection to the property and business, or their  
15 relative responsibilities in causing the access violations herein complained of,  
16 and alleges a joint venture and common enterprise by all such Defendants.  
17 Plaintiff is informed and believes that each of the Defendants herein,  
18 including Does 1 through 10, inclusive, is responsible in some capacity for the  
19 events herein alleged, or is a necessary party for obtaining appropriate relief.  
20 Plaintiff will seek leave to amend when the true names, capacities,  
21 connections, and responsibilities of the Defendants and Does 1 through 10,  
22 inclusive, are ascertained.

23  
24       **JURISDICTION & VENUE:**

25       7. The Court has subject matter jurisdiction over the action pursuant to 28  
26 U.S.C. § 1331 and § 1343(a)(3) & (a)(4) for violations of the Americans with  
27 Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.

28       8. Pursuant to supplemental jurisdiction, an attendant and related cause

1 of action, arising from the same nucleus of operative facts and arising out of  
2 the same transactions, is also brought under California's Unruh Civil Rights  
3 Act, which act expressly incorporates the Americans with Disabilities Act.

4 9. Venue is proper in this court pursuant to 28 U.S.C. § 1391(b) and is  
5 founded on the fact that the real property which is the subject of this action is  
6 located in this district and that Plaintiff's cause of action arose in this district.

7  
8 **FACTUAL ALLEGATIONS:**

9 10. Plaintiff went to the property to eat at the Restaurant and shop at the  
10 B&G Pharmacy ("Pharmacy") in December 2018 with the intention to avail  
11 himself of its goods or services, motivated in part to determine if the  
12 defendants comply with the disability access laws.

13 11. The Restaurant and Pharmacy are facilities open to the public, places of  
14 public accommodation, and business establishments.

15 12. Parking spaces are one of the facilities, privileges, and advantages  
16 offered by Defendants to patrons of the Restaurant and Pharmacy.

17 13. Unfortunately, there were no compliant, accessible parking spaces in  
18 the parking lot serving the Restaurant and Pharmacy.

19 14. Instead, there was just an old, faded parking space that was once  
20 reserved for persons with disabilities. The faded parking stall measured about  
21 104 inches in width. The access aisle was so faded that it was difficult to see.  
22 Still, the old access aisle was triangular in shape and narrowed, at one point, to  
23 as little as about 15 inches in width. At its widest, the access aisle was about 92  
24 inches in width. This access aisle, even if it was painted perfectly and visible  
25 (which is it not), would not qualify as compliant.

26 15. Additionally, there was no "NO PARKING" warning in the old access  
27 aisle.

28 16. The bottom of the ADA signage in front of the parking stall, meanwhile,

1 was about 45 inches in height. This is too low for persons with disabilities to  
2 see when cars are parked in the stall.

3 17. Defendants have failed to maintain in operable working condition those  
4 features of facilities and equipment that are required to be readily accessible to  
5 and usable by persons with disabilities at the Subject Property.

6 18. Plaintiff personally encountered these barriers.

7 19. Transaction counters are one of the facilities, privileges, and advantages  
8 offered by Defendants to patrons of the Restaurant.

9 20. Even though the plaintiff did not personally confront the barrier, the  
10 transaction counter at the Restaurant is more than 36 inches in height. In fact,  
11 the transaction counter is about 42 inches in height.

12 21. There is no lowered, 36 inch portion of the transaction counter at the  
13 Restaurant for use by persons in wheelchairs to conduct transactions.

14 22. This inaccessible facility denied the plaintiff full and equal access and  
15 caused him difficulty.

16 23. Paths of travel are one of the facilities, privileges, and advantages  
17 offered by Defendants to patrons of the Restaurant.

18 24. Unfortunately, the path of travel leading to the restroom at the  
19 Restaurant narrows to about 14 inches in width because of tools and boxes that  
20 defendants store along the pathway to the restroom. This is not accessible to  
21 wheelchair users, including plaintiff.

22 25. The defendants have failed to maintain in working and useable  
23 conditions those features required to provide ready access to persons with  
24 disabilities.

25 26. The barriers identified above are easily removed without much  
26 difficulty or expense. They are the types of barriers identified by the  
27 Department of Justice as presumably readily achievable to remove and, in fact,  
28 these barriers are readily achievable to remove. Moreover, there are numerous

1 alternative accommodations that could be made to provide a greater level of  
2 access if complete removal were not achievable.

3 27. For example, there are numerous paint/stripe companies that will come  
4 and stripe a parking stall and access aisle and install proper signage on rapid  
5 notice, with very modest expense, sometimes as low as \$300 in full  
6 compliance with federal and state access standards.

7 28. A common barrier removal project is modifying transaction counters to  
8 make a portion of the counter accessible. This is a simple construction task,  
9 well within the capabilities of any general contractor. The task can be  
10 completed easily and for a modest price.

11 29. Plaintiff will return to the Restaurant and Pharmacy to avail himself of  
12 their goods or services and to determine compliance with the disability access  
13 laws. He is currently deterred from doing so because of his knowledge of the  
14 existing barriers. If the barriers are not removed, the plaintiff will face  
15 unlawful and discriminatory barriers again.

16 30. Given the obvious and blatant nature of the barriers and violations  
17 alleged herein, the plaintiff alleges, on information and belief, that there are  
18 other violations and barriers on the site that relate to his disability. Plaintiff will  
19 amend the complaint, to provide proper notice regarding the scope of this  
20 lawsuit, once he conducts a site inspection. However, please be on notice that  
21 the plaintiff seeks to have all barriers related to his disability remedied. See  
22 *Doran v. 7-11*, 524 F.3d 1034 (9th Cir. 2008) (holding that once a plaintiff  
23 encounters one barrier at a site, he can sue to have all barriers that relate to his  
24 disability removed regardless of whether he personally encountered them).

**I. FIRST CAUSE OF ACTION: VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990** (On behalf of Plaintiff and against all Defendants.) (42 U.S.C. section 12101, et seq.)

31. Plaintiff re-pleads and incorporates by reference, as if fully set forth again herein, the allegations contained in all prior paragraphs of this complaint.

32. Under the ADA, it is an act of discrimination to fail to ensure that the privileges, advantages, accommodations, facilities, goods and services of any place of public accommodation is offered on a full and equal basis by anyone who owns, leases, or operates a place of public accommodation. See 42 U.S.C. § 12182(a). Discrimination is defined, inter alia, as follows:

- a. A failure to make reasonable modifications in policies, practices, or procedures, when such modifications are necessary to afford goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the accommodation would work a fundamental alteration of those services and facilities. 42 U.S.C. § 12182(b)(2)(A)(ii).
- b. A failure to remove architectural barriers where such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv). Barriers are defined by reference to the ADAAG, found at 28 C.F.R., Part 36, Appendix "D."
- c. A failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs or to ensure that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals

1 with disabilities. 42 U.S.C. § 12183(a)(2).

2 33. Any business that provides parking spaces must provide accessible  
3 parking spaces. 2010 Standards § 208. To qualify as a reserved handicap  
4 parking space, the space must be properly marked and designated. Under the  
5 ADA, the method, color of marking, and length of the parking space are to be  
6 addressed by State or local laws or regulations. See 36 C.F.R., Part 1191, §  
7 502.3.3. Under the California Building Code, to properly and effectively  
8 reserve a parking space for persons with disabilities, each parking space must  
9 be at least 216 inches in length. CBC § 11B-502.2 Under the California  
10 Building Code, to properly and effectively reserve a parking space for persons  
11 with disabilities, each such space must be identified with a reflectorized sign  
12 permanently posted adjacent to and visible from each stall or space. CBC §  
13 1129B.4. The sign must consist of the International Symbol of Accessibility  
14 (♿) in white on a blue background. Id. It cannot be smaller than 70 square  
15 inches and must be mounted so that there is a minimum of 80 inches from the  
16 bottom of the sign to the parking space. Id. Signs must be posted so that they  
17 cannot be obscured by a vehicle parking in the space. Id. An additional sign or  
18 additional language below the symbol of accessibility must state, “Minimum  
19 Fine \$250” to ensure that the space remains available for persons with  
20 disabilities. Id. Another sign must be posted in a conspicuous place at the  
21 entrance to the parking lot or immediately adjacent to each handicap parking  
22 space, with lettering 1 inch in height, that clearly and conspicuously warn that  
23 unauthorized vehicles parking in the handicap parking spaces can be towed at  
24 the owner’s expense. Id. Additionally, the surface of the handicap parking stall  
25 must have a profile view of a wheelchair occupant (♿) that is 36 inches by 36  
26 inches. Id. And the surface of the access aisle must have a blue border. CBC §  
27 1129B.3. The words “NO PARKING” in letters at least a foot high must be  
28 painted on the access aisle. Id.



1       34. Here, there was no blue border around an access aisle or parking stall,  
2 there was no “NO PARKING” lettering, no fine language, the ADA signage  
3 mounted on the fence was too low, and the parking simply failed to comply.

4       35. Each accessible parking stall must have an access aisle adjacent to it.  
5 Standard accessible parking stalls can have a 60 inch wide access aisle while  
6 van accessible stalls must have a 96 inch wide access aisle. 2010 Standards §  
7 502.2.

8       36. The failure to have an access aisle is a violation of the ADA.

9       37. There must be an accessible path of travel that connects all buildings,  
10 elements and spaces on the same site. The minimum clear width of an  
11 accessible route shall be 36 inches. 2010 Standards § 403.5.1.

12       38. Here, the failure to provide an accessible path of travel to the restroom  
13 at the Restaurant is a violation of the ADA.

14       39. The Safe Harbor provisions of the 2010 Standards are not applicable  
15 here because the conditions challenged in this lawsuit do not comply with the  
16 1991 Standards.

17       40. A public accommodation must maintain in operable working condition  
18 those features of its facilities and equipment that are required to be readily  
19 accessible to and usable by persons with disabilities. 28 C.F.R. § 36.211(a).

20       41. Here, the failure to ensure that the accessible facilities were available  
21 and ready to be used by the plaintiff is a violation of the law.

22  
23 **II. SECOND CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL**  
24 **RIGHTS ACT** (On behalf of Plaintiff and against all Defendants.) (Cal. Civ.  
25 Code § 51-53.)

26       42. Plaintiff repleads and incorporates by reference, as if fully set forth  
27 again herein, the allegations contained in all prior paragraphs of this  
28 complaint. The Unruh Civil Rights Act (“Unruh Act”) guarantees, inter alia,



1 that persons with disabilities are entitled to full and equal accommodations,  
2 advantages, facilities, privileges, or services in all business establishment of  
3 every kind whatsoever within the jurisdiction of the State of California. Cal.  
4 Civ. Code §51(b).

5 43. The Unruh Act provides that a violation of the ADA is a violation of the  
6 Unruh Act. Cal. Civ. Code, § 51(f).

7 44. Defendants' acts and omissions, as herein alleged, have violated the  
8 Unruh Act by, inter alia, denying, or aiding, or inciting the denial of, Plaintiff's  
9 rights to full and equal use of the accommodations, advantages, facilities,  
10 privileges, or services offered.

11 45. Because the violation of the Unruh Civil Rights Act resulted in difficulty,  
12 discomfort or embarrassment for the plaintiff, the defendants are also each  
13 responsible for statutory damages, i.e., a civil penalty. (Civ. Code § 55.56(a)-  
14 (c).

15  
16 **PRAYER:**

17 Wherefore, Plaintiff prays that this Court award damages and provide  
18 relief as follows:

19 1. For injunctive relief, compelling Defendants to comply with the  
20 Americans with Disabilities Act and the Unruh Civil Rights Act. Note: the  
21 plaintiff is not invoking section 55 of the California Civil Code and is not  
22 seeking injunctive relief under the Disabled Persons Act at all.

23 2. Damages under the Unruh Civil Rights Act, which provides for actual  
24 damages and a statutory minimum of \$4,000 per offense.  
25  
26  
27  
28

By:

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